

BOARD OF APPEALS MINUTES

April 1, 2013
3:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present: - Matthew Clementi
Andrew Land
Marilyn Zangl
Katie Derksen
Eric Drazkowski (arrived @ 3:24 p.m.)

Absent: - Matthew Schoenleber (excused)
Kirsten Quam (excused)
Jeffrey Butzke (excused)
John Piper, III (excused)

Administrative Staff: - Joellyn Dahlin, Principal Planner
Guy Fox, Chief Inspector

Chairman Clementi declared a quorum present.

APPROVAL OF MINUTES

March 4, 2013

Motion made by Land to approve the minutes of the regular meeting of March 4, 2013 of the Board of Appeals as presented.

Seconded by Zangl.

ROLL CALL VOTE: Aye - Clementi, Derksen, Land,
Zangl
Nay - None

Carried.

HEARINGS

Appeal No. 2013-07

491 Fond du Lac Avenue

Greg Barber dba Barber Enterprises Inc.

Zoning Code Regulations: Section 11.10 B.20(a) states in the B-4 zoning district dwelling units shall be located above the ground floor.

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Variance Request: Modify first floor of commercial building for residential use.

Appeared in Support:

Greg Barber, 488 N Pioneer Rd., Fond du Lac, appeared as petitioner in support.

Appeared to Gather Information:

Steve Klapperich, 507 Fond du Lac Ave., Fond du Lac

Appeared in Opposition:

Jennifer Meyer, 520 Boyd St., Fond du Lac

Angel Siedschlag, 516 Boyd St., Fond du Lac

Chairman Clementi read into record a petition signed by residents on Boyd Street in opposition.

Motion made by Land to approve the variance request based on staff findings, and specifically because flexibility in determining an appropriate use of the small commercial building relates to property location and surrounding land uses.

Conditions of approval shall include:

1. The variance approval is specific to residential use of the first floor commercial space identified as 493 Fond du Lac Avenue. The variance approval does not in any way authorize use of 491 Fond du Lac Avenue for residential purposes, nor does it authorize any change of building footprint for residential purposes.
2. Use of 493 for residential purposes shall comply with all housing, building, heating, electrical, plumbing and fire protection codes. Permits for required work shall be secured by the property owner within 10 days of variance approval.
3. Alteration or modification of the building for the residential use to meet code requirements shall be completed by May 3, 2013. Failure to comply will result in a citation and fines, and eviction of the residential tenant.

Seconded by Clementi.

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7. The building shall not be modified to create a residential appearance. Interior window screening of 493 shall be provided to mitigate the exterior appearance of residential use.

Carried.

Duane Crook

Zoning Code Regulations: Section 11.04 C.3.o(1) states the maximum size of a detached garage for a single family dwelling is 650 square feet; where a property owner desires to consolidate garage area and the allowable area of a storage building (100 square feet), a garage area of up to 750 square feet is permitted.

Duane and Tamara Crook, 874 Forest Ave., Fond du Lac,
appeared as petitioner in support.

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Motion made by Land to approve the variance request based on staff findings, and specifically due to lot area and surrounding land uses.

Conditions of approval shall include:

1. Building materials, color and design shall match the existing garage and complement the residence.
2. Eave troughs and downspouts shall be provided to manage drainage on-site.
3. Drainage plan required for the issuance of a building permit.
4. Accessory storage buildings shall be prohibited.
5. Uncovered parking in addition to allowable driveway area shall be prohibited.

Seconded by Zangl.

ROLL CALL VOTE: Aye - Clementi, Derksen,
Drazkowski, Land, Zangl
Nay - None

Carried.

Appeal No. 2013-09
465 S Pioneer Road
Schiek's Camping Center

Zoning Code Regulations: Section 11.09 C. Schedule III states the retail sale of recreational campers is not a permitted use in the M-1 (Manufacturing) zoning district.

Variance Request: Operate recreational camper sales lot on property zoned for manufacturing use.

Appeared in Support:

Tom and Joe Schiek, 406 E Main St., Eden, WI, appeared as petitioner in support.
Greg Barber, 488 N Pioneer Rd., Fond du Lac

Motion made by Zangl to approve the variance request based on staff findings, and specifically because the requested exception relates to property conditions of a large unimproved lot where, because of substantial lot size, redevelopment of the property is challenged.

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1. A site plan shall be submitted to the Community Development Department for approval prior to the issuance of permits for paving/surfacing and any building additions. The site plan shall be accurately dimensioned to show required setback areas, drive aisles and parking areas.
2. Dumpsters and recycling containers shall be confined within an enclosure completely screened from public view. Acceptable screening shall consist of a solid fence constructed of wood, vinyl or chain link with opaque slats.

ROLL CALL VOTE: Aye - Clementi, Derksen,
Drazkowski, Land, Zangl
Nay - None

Jeremiah Smith dba Defensive Arts Institute

1. Occupancy of the building shall reflect the variance request. Any change of use that is not allowed as a permitted land use, or is

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significantly different from the use approved,
shall be subject to approval by the Board of
Appeals.

Seconded by Land.

ROLL CALL VOTE: Aye - Clementi, Derksen,
 Drazkowski, Land, Zangl
 Nay - None

Carried.

ADJOURN

Motion made by Clementi to adjourn.

Seconded by Land.

ROLL CALL VOTE: Aye - Clementi, Derksen,
 Drazkowski, Land, Zangl
 Nay - None

Carried.

Meeting adjourned at 4:02 p.m.

SUE STRANDS
CITY CLERK

SS/maa